

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CLEVELAND VICKERS,
Plaintiff,
v.
DANCE UNLIMITED, LLC, et al.,
Defendants.

No. 2:21-cv-732-JAM-KJN PS
ORDER
(ECF No. 7, 11.)

On April 23, 2021, plaintiff filed this action alleging claims under the Americans With Disabilities Act and associated state-law sources, as against defendants Dance Unlimited, LLC and Natalia Clarke. (ECF No. 1.) Defendants were served and failed to timely file an answer with the court. (ECF Nos. 4, 5.) Accordingly, the Clerk of the Court entered default against both defendants on June 21, 2021. (ECF No. 6, 7.) Two days later, defendant Clarke, proceeding without counsel, filed a document which denied the factual assertions in the complaint. (ECF No. 8.) Days later, Clarke filed a motion to set aside the default. (ECF No. 11.) The court set a status conference for July 29, 2021, and at the hearing attorney Tanya Moore appeared for plaintiff and Clarke appeared on her own behalf. (ECF No. 12.)

The court discussed defendants motion to set aside, and plaintiff agreed that the defaults should be set aside. Thus, the court SETS ASIDE the Clerk's entries of default for defendants.

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Further, the court identified this case as one ripe for the court's voluntary dispute resolution program ("VDRP"), and the parties agreed. Therefore, the case is stayed and referred to VDRP, as per the terms detailed below.

ORDER

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk's entry of default against defendants Clarke and Dance Unlimited, LLC (ECF No. 7) is SET ASIDE. This terminates ECF No. 11;
2. As the parties agreed at the status conference that the case is suited for VDRP, and in the interest of avoiding the accumulation of fees and costs through potentially unnecessary discovery and motion practice, and to allow the parties some additional time to pursue an early informal resolution of this matter with the assistance of a third party neutral, the court REFERS the case to VDRP. Within fourteen (14) days of this order, the parties shall contact the court's VDRP administrator, Sujean Park, at (916) 930-4278 or SPark@caed.uscourts.gov, to start the process of selecting an appropriate neutral. The parties shall carefully review and comply with Local Rule 271, which outlines the specifications and requirements of the VDRP. No later than fourteen (14) days after completion of the VDRP session(s), the parties shall jointly file their VDRP Completion Report, consistent with Local Rule 271(o); and
3. This case is STAYED until the completion of VDRP.

Dated: July 30, 2021

Kendall J. Newman
KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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